

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

THURMAN L. WADE, JR.

v.

UNITED STATES OF AMERICA

)
)
)
)
)
)

CAUSE NOS.: 1:03-CR-34-TLS

1:06-CV-7-TLS

1:11-CV-158-TLS

ORDER

This matter is before the Court on a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody [ECF No. 56] and a Motion to Supplement § 2255 Motion [ECF No. 61] filed by the Petitioner, Thurman L. Wade, Jr. The Court will dismiss these two Motions for lack of jurisdiction.

The Petitioner previously filed a § 2255 Motion [ECF No. 50] on January 9, 2006. In an Opinion & Order issued on July 7, 2006, the Court dismissed that Motion as untimely. (Opinion & Order 2–4, ECF No. 54.) As the Petitioner already filed a § 2255 Motion his current Motions are successive. District courts have no jurisdiction over successive § 2255 motions unless the Court of Appeals authorizes additional review. 28 U.S.C. § 2255(h) (“A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals.”); 28 U.S.C. § 2254(b)(3)(A) (“Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.”); *United States v. Carraway*, 478 F.3d 845, 847 (7th Cir. 2007). The Petitioner has not received, nor even to the Court’s knowledge sought, leave from the Court of Appeals to file this additional challenge to his sentence. The Court, therefore, has no jurisdiction to consider the arguments raised in the two

Motions currently before it.

CONCLUSION

For the reasons stated above, the Court DISMISSES the Petitioner's § 2255 Motion [ECF No. 56] and his Motion to Supplement § 2255 Motion [ECF No. 61].

SO ORDERED on October 13, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT